

dedication of Members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Mr. KENNEDY. I thank the senior Senator from Connecticut and appreciate his leadership on this issue. He raised a number of important issues during the consideration of this bill. I believe we have addressed those concerns in the legislation and I am pleased that he is now a strong supporter of the legislation.

Mr. DODD. The bill passing the Senate today relies on the existing preemption of State law standard currently in ERISA and the Public Health Service Act, preserving States laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insurers to utilization review or medical management companies, which are licensed and regulated by the States. In fact, the legislation written by the Senator from Massachusetts, called HIPAA, was an innovative approach to Federal health care reform that has worked so well in setting a minimum standard of protections while allowing stronger State-based consumer protections. Is it the distinguished senior Senator from Massachusetts' belief that S. 558 preserves the States' ability to regulate such companies?

Mr. KENNEDY. Yes, nothing in this bill affects any State law or State regulation of any company or issuer who performs utilization review or other medical management services. The changes made to the preemption section of S. 558 mean that the current HIPAA standard would apply to this legislation, just like it applies to existing law passed in 1996. By using existing preemption language, we mean only the narrowest preemption of State laws. A minimum standard of Federal protection allows States to provide additional protection for their citizens. State laws designed to regulate medical management or utilization review to protect plan participants are not preempted under the bill because they do not "prevent the application" of the substantive provisions of this bill.

Mr. DODD. Is it also the understanding of the senior Senator from New Mexico that this legislation will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect?

Mr. DOMENICI. Yes, the senior Senator from Connecticut is correct.

Mr. DODD. I thank the Senator and want to thank the Senator from Massachusetts for allowing my concerns about preemption and protecting State laws to be heard in the committee and for working tirelessly with me to address those concerns. The bill we are passing reflects months and years of hard work and compromise, and I am

pleased to voice my strong support for S. 558. It is a victory for patients who need coverage for mental health services.

Mr. REID. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the motions to reconsider be laid upon the table, en bloc; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2908) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 558), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I congratulate Senators KENNEDY, ENZI, and others who worked on this legislation for such a long time. They are to be commended. Senator Wellstone, I am sure, is smiling on us today.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 19, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that on September 19, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and, following the time utilized by the two leaders, the Senate then resume consideration of H.R. 1585, the Defense Department authorization bill, and we proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, with the time to be equally divided and controlled between the leaders or their designees; that upon the conclusion of the debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments to amendment No. 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, September 19, 2007, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

#### DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT), VICE ROBERT ALLEN PITTMAN, RESIGNED.

#### DEPARTMENT OF LABOR

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE KATHLEEN P. UTGOFF, TERM EXPIRED.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be rear admiral*

REAR ADM. (LH) MICHAEL R. SEWARD, 0000

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

##### *To be captain*

JOSEPH E. VORBACH, 0000  
RICHARD W. SANDERS, 0000

##### *To be commander*

DARRELL SINGLETERRY, 0000

##### *To be lieutenant commander*

THOMAS W. DENUCCI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be captain*

JEFFREY G. ANDERSON, 0000  
MICHAEL A. CICALESE, 0000  
MICHAEL D. COLLINS, 0000  
DOUGLAS J. DAWSON, 0000  
SERENA J. DIETRICH, 0000  
DALE V. FERRIERE, 0000  
DAVID M. GARDNER, 0000  
DOUGLAS W. HEUGEL, 0000  
BRIAN H. OFFORD, 0000  
KEVIN J. OLD, 0000  
CONRAD W. ZVARA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

##### *To be captain*

CHRISTOPHER D. ALEXANDER, 0000  
LATICIA J. ARGENTI, 0000  
WEBSTER D. BALDING, 0000  
MATTHEW T. BELL, 0000  
MELISSA BERT, 0000  
MELVIN W. BOUBOULIS, 0000  
WYMAN W. BRIGGS, 0000  
JAMES M. CASH, 0000  
PAULINE F. COOK, 0000  
THOMAS E. CRABBS, 0000  
JOHN T. DAVIS, 0000  
SCOTT N. DECKER, 0000  
JERRY D. DOHERTY, 0000  
THOMAS H. FARRIS, 0000  
JAMES O. FITTON, 0000  
JOHN M. FITZGERALD, 0000  
PAUL E. FRANKLIN, 0000  
JOHN D. GALLAGHER, 0000  
PETER W. GAUTIER, 0000  
GLENN L. GEBELE, 0000  
ANTHONY R. GENTILELLA, 0000  
VERNE B. GIFFORD, 0000  
NANCY R. GOODRIDGE, 0000  
THOMAS C. HASTINGS, 0000  
BEVERLY A. HAVLIK, 0000  
WILLIAM G. HISHON, 0000  
GWYN R. JOHNSON, 0000  
ERIC C. JONES, 0000  
WILLIAM G. KELLY, 0000  
JOHN S. KENYON, 0000  
JAMES L. KNIGHT, 0000  
DONALD A. LACHANCE, 0000  
ROGER R. LAFERRIERE, 0000  
JOHN K. LITTLE, 0000  
GORDON A. LOBL, 0000  
KEVIN E. LUNDAY, 0000  
SEAN M. MAHONEY, 0000  
DWIGHT T. MATHERS, 0000  
STUART M. MERRILL, 0000  
MICHAEL A. MOHN, 0000  
FREDERICK G. MYER, 0000  
JACK W. NIEMIEC, 0000  
JOANNA M. NUNAN, 0000  
SALVATORE G. PALMERI, 0000  
JOHN J. PLUNKETT, 0000  
ANTHONY POPIEL, 0000  
RAYMOND W. PULVER, 0000  
STEVEN J. REYNOLDS, 0000  
MARK D. RIZZO, 0000  
MATTHEW T. RUCKERT, 0000  
JAMES W. SEBASTIAN, 0000

KEITH M. SMITH, 0000  
 MARC D. STEGMAN, 0000  
 GRAHAM S. STOWE, 0000  
 ROBERT J. TARANTINO, 0000  
 JOHN G. TURNER, 0000  
 KEITH J. TURRO, 0000  
 ANTHONY J. VOGT, 0000  
 SAMUEL WALKER, 0000  
 ROBERT B. WATTS, 0000  
 STEVEN A. WEIDEN, 0000

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### *To be major*

FREDERICK M. ABRUZZO, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### *To be colonel*

WILLIAM W. DODSON, 0000

##### *To be major*

NICHOLAS MEXAS, 0000  
 DAVID A. NIEMIEC, 0000  
 JOHN R. SHAW, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### *To be colonel*

THOMAS E. MARCHIONDO, 0000

##### *To be lieutenant colonel*

KENNETH KLINE, 0000

##### *To be major*

KYUNG L. BOEN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be colonel*

DAVID W. ASHLEY, 0000  
 PETER G. BAER, 0000  
 WILLIAM S. BAIR, 0000  
 RUTH P. BAKER, 0000  
 WALTER R. BALL, 0000  
 DAVID A. BECK, 0000

ROBERT C. BOLTON, 0000  
 WILLIE BRAGGS III, 0000  
 ROBERT T. BROOKS, JR., 0000  
 RANDY D. BUCKNER, 0000  
 PETER J. BYRNE, 0000  
 ANTHONY J. CARRELLI, 0000  
 CHARLES W. CHAPPUIS, 0000  
 JOEL A. CLARK, 0000  
 JAMES A. CONWAY, JR., 0000  
 RONALD G. COREY, 0000  
 MICHAEL E. CRADER, 0000  
 JIM A. CUMINGS, 0000  
 GREGG A. DAVIES, 0000  
 GEORGE M. DEGNON, 0000  
 PETER J. DEPATIE, 0000  
 THOMAS H. DOUGLAS, 0000  
 MARY S. DOWLING, 0000  
 DANIEL J. DUNBAR, 0000  
 HAROLD S. EGGENSEPERGER, 0000  
 CLARENCE ERVIN, 0000  
 MARK T. FAVETTI, 0000  
 MICHAEL J. FEELEY, 0000  
 GREGORY R. FOURNIER, 0000  
 MATTHEW R. GODFREY, 0000  
 JOHN S. GOODWIN, 0000  
 JAMES E. GRANDY, 0000  
 JUDY M. GRIEGO, 0000  
 JOHN J. HERNANDEZ, 0000  
 EDWARD G. HERRERA, 0000  
 BARRY K. HOLDER, 0000  
 PAUL HUTCHINSON, 0000  
 CHARLES C. INGALLS, 0000  
 PAUL D. JACOBS, 0000  
 STEPHEN E. JESELNICK, 0000  
 PAUL D. JULIAN, 0000  
 ROBERT S. JUSTUS, 0000  
 WOODY R. KLINNER, JR., 0000  
 KENNETH L. KOB, 0000  
 JAMES M. LEFAVOR, 0000  
 ROBERT P. LEMIEUX, 0000  
 CARLISLE A. LINCOLN III, 0000  
 MICHAEL J. LINDEMAN, 0000  
 ANDREW J. MAMROL, 0000  
 MURIEL A. MARSHALL, 0000  
 RICHARD L. MARTIN, 0000  
 STEVEN D. MARTIN, 0000  
 DONALD A. MCGREGOR, 0000  
 JUAN J. MEDINALAMELA, 0000  
 PETER A. MERCIER, 0000  
 BRIAN A. MILLER, 0000  
 MURRY MITTEN, 0000  
 BRIAN C. NEWBY, 0000  
 JOHN W. OGLE III, 0000  
 GERALD R. OSTERN, 0000  
 MATTHEW J. PAPE, 0000  
 ROBERT R. PETERSEN, 0000

WILLIAM S. PETTI, 0000  
 THOMAS POWERS, JR., 0000  
 ROY V. QUALLS, 0000  
 MARK J. RICHMAN, 0000  
 DAVID L. ROMUALD, 0000  
 MATHEW J. RULAND, 0000  
 CHRIS K. SAKAMOTO, 0000  
 LEIGH A. SCARBORO, 0000  
 NANCY L. SEETS, 0000  
 DAVID A. SIMON, 0000  
 MICHAEL P. SKOMROCK, 0000  
 CALVIN C. STARLIN, JR., 0000  
 TERRANCE C. STIFF, 0000  
 STEPHEN A. SUTHERLAND, 0000  
 GREGORY P. SWANSON, 0000  
 DEAN A. TREMP, 0000  
 ERIC R. VOGT, 0000  
 JONATHAN T. WALL, 0000  
 THOMAS K. WARK, 0000  
 PATTY R. WILBANKS, 0000  
 MARC D. WILSON, 0000

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### *To be major*

SHAWN D. SMITH, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be colonel*

BRIAN D. ALLEN, 0000  
 MICHAEL R. CONNERS, 0000

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 18, 2007 withdrawing from further Senate consideration the following nomination:

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.